

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-CR-87

MAURO HERNANDEZ DE LA TORRE et al,

Defendants.

ORDER GRANTING CONTINUANCE UNDER SPEEDY TRIAL ACT

This matter has been designated as complex and I previously granted a continuance between October 30, 2015 and the date of the scheduling conference, December 11, 2015. (Docket # 23.) At the December 11, 2015 scheduling conference, the government updated me on the status of discovery. While the government intended to disclose discovery by late November, the government informed me that discovery was not made available until December 10, 2015 and was disclosed on December 11, 2015. The government explained that the delay was due to the Assistant United States Attorney's case load, the case agent's availability, and the need to do extensive redactions prior to dissemination.

The government noted that discovery in the case is voluminous—5,600 pages, including wire taps, surveillance reports, photographs, debrief reports, reports pertaining to enforcement actions, and wire transfer reports. The government also stated that approximately five federal search warrants were executed in this case. The government has provided the defense with a summary of the evidence against their respective clients.

Given the breadth of discovery and the fact that defense counsel first received the discovery today, another scheduling conference is required in order to set a motion schedule. Thus, a scheduling conference will be held on **January 15, 2016 at 10 a.m.** The parties are to confer prior to the hearing and submit a proposed scheduling order for the filing of pretrial motions no later than **January 14, 2016**. Additionally, the parties will contact Judge Stadtmueller's chambers regarding the trial date in this matter.

Because the defendants need additional time to review the extensive discovery, it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. I will therefore grant a continuance of the time limits set forth in 18 U.S.C. § 3161(c)(1). I find that under 18 U.S.C. § 3161(h)(7)(A) and (B)(ii) and (iv), the ends of justice served by taking this action outweigh the best interest of the public and the defendants in a speedy trial. The court makes this finding because, taking into account the exercise of due diligence, a failure to grant such a continuance would deny counsel for the defendants the reasonable time necessary for effective preparation. Therefore, the time between the December 11, 2015 scheduling conference and the January 15, 2016 scheduling conference is excluded from the speedy trial deadline of 18 U.S.C. § 3161(c)(1).

NOW, THEREFORE, IT IS HEREBY ORDERED that the Court will hold a scheduling conference on **January 15, 2016 at 10 a.m.** The parties are to confer prior to the hearing and submit a proposed scheduling order for pretrial motions no later than January 14, 2016.

IT IS FURTHER ORDERED that the time between the scheduling conference on December 11, 2015 and the scheduling conference on January 15, 2016 is excluded from the speedy trial deadline of 18 U.S.C. § 3161(c)(1).

Dated at Milwaukee, Wisconsin this 11th day of December, 2015.

BY THE COURT

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge